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HAWAII
LABOR RELATIONS BOARD

Attorneys for Director of Labor
and Industrial Relations

HAWAII LABOR RELATIONS BOARD

STATE OF HAWAII

In the Matter of)	CASE NO. OSAB 2003-1
)	
DIRECTOR, DEPARTMENT OF)	
LABOR AND INDUSTRIAL RELATIONS,)	
)	
Complainant,)	
)	STIPULATION AND
vs.)	SETTLEMENT AGREEMENT;
)	EXHIBITS "A" and "B";
STEVEN J. BERMAN, M.D., F.A.C.P.,)	APPROVAL AND ORDER
)	
Respondent,)	
)	

STIPULATION AND SETTLEMENT AGREEMENT

Complainant Director of Labor and Industrial Relations
("Director") and Respondent STEVEN J. BERMAN, M.D., F.A.C.P.
("Respondent"), having reached a full and complete settlement of
the above-captioned contested case presently pending before the
Hawaii Labor Relations Board ("Board") stipulate and agree as
follows:

On or about October 31, 2002, the Director, by and through the State of Hawaii's Occupational Safety and Health Division ("HIOSH"), inspected Respondent's workplace located at 1380 Lusitana Street, Suite 810, Honolulu, Hawaii, 96813.

As a consequence of said inspection, the Director, through HIOSH's Administrator, issued a Citation and Notification of Penalty ("Citation") to Respondent on November 25, 2002, alleging violations of the Hawaii Occupational Safety and Health Standards and assessed an aggregate penalty of \$375.00. See Exhibit A.

Respondent timely contested the Citation.

THEREFORE, to avoid the expense of litigation and to compromise and settle the above-captioned case, the parties, by and through their respective representatives, stipulate and agree as follows:

1. The Board has jurisdiction over this contested case pursuant to Section 396-11, Hawaii Revised Statutes ("HRS").
2. At all relevant times, Respondent maintained a workplace at 1380 Lusitana Street, Suite 810, Honolulu, Hawaii, 96813.
3. At all relevant times, Respondent was an employer, as defined in Section 396-3, HRS, and employed employees, as defined in Section 396-3, HRS, and was therefore subject to the

requirements of Chapter 396, HRS, the Hawaii Occupational Safety and Health Law.

4. The Citation issued on November 25, 2002, is amended as follows:

a. citation 1, item 1, alleging a "serious" violation of 29 CFR 1910.1030(f)(3)(iii)(A), and its corresponding penalty of \$375.00, is withdrawn; and

b. citation 2, item 2, alleging an "other-than-serious" violation of 29 CFR 1910.1030(h)(5)(i), is withdrawn.

5. The Director reduces the aggregate penalty from \$375.00 to \$0.00.

6. Except for the stipulated amendments described above, the Citation issued on November 25, 2002, is confirmed in all other respects and upon approval by the Board, this Agreement and the Citation, as amended, shall become a final order of the Director.

7. Respondent agrees that it has or will abate the violation in compliance with the abatement requirements under Hawaii Administrative Rule §12-51-22, attached as Exhibit B. Respondent shall submit the completed abatement verification form to HIOSH no later than thirty (30) days after the filing of the instant

Agreement and Order; failure to timely do so may result in additional penalties or follow up inspections.

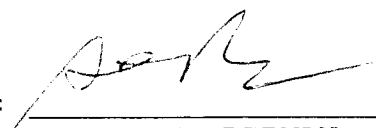
8. Respondent shall post a copy of this Agreement and Order in a prominent place at or near the location of the posting of the Citation, and the Agreement and Order shall remain posted for three working days (excluding weekends and State holidays).

9. Respondent shall continue to comply with Chapter 396, HRS, the Hawaii Occupational Safety and Health Law, and the related rules.

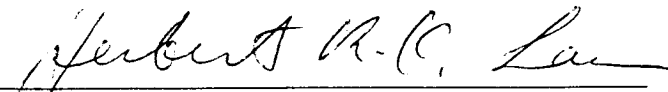
10. Nothing in this Agreement shall bar the Director from taking any action regarding future acts or practices by Respondent which may be alleged to violate Chapter 396, HRS, the Hawaii Occupational Safety and Health Law, or the related rules.

DATED: Honolulu, Hawaii, 1/10/03.

STEVEN J. BERMAN, M.D., F.A.C.P.

By: 
STEVEN J. BERMAN
Its

DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS



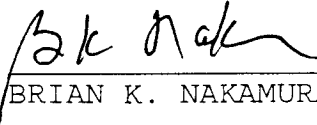
HERBERT B.K. LAU
Deputy Attorney General

Attorney for DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS, STATE OF HAWAII

APPROVED AND SO ORDERED BY
HAWAII LABOR RELATIONS BOARD:

ORDER NO. 32

DATED: January 23, 2003



BRIAN K. NAKAMURA, Chairman



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member